

Message Text

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71

ACTION DLOS-04

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TO SECSTATE WASHDC 6870

UNCLAS USUN 1553

PASS DEFENSE, INTERIOR, COMMERCE AND OMB

ATTN: T, L, ARA, D/LOS, IO

FROM LOS DEL

E.O. 11652: N/A

TAGS: PLOS

SUBJ: LOS: SENATOR JACKSON ON ARTICLE 136 AND PUERTO RICO

REF: USUN 1496

1. THE FOLLOWING ARE TEXTS, GIVEN US TODAY BY COPAKEN,
OF A LETTER OF APRIL 12 FROM SENATOR JACKSON RESPONDING
TO A LETTER OF THE SAME DATE FROM THE GOVERNOR OF
PUERTO RICO, WHICH FOLLOWS.

2. BEGIN TEXT: HONORABLE RAFAEL HERNANDEZ COLON, GOVERNOR
OF THE COMMONWEALTH OF PUERTO RICO, LA FORTALEZA,
SAN JUAN, PUERTO RICO 00902, DEAR GOVERNOR:

THANK YOU FOR YOUR LETTER OF APRIL 12, 1976. I SHARE
THE CONCERNS YOU EXPRESSED AND APPRECIATE THE STEPS YOU
ARE TAKING TO REMEDY THIS SITUATION. IT IS MY HOPE
THAT THE UNITED STATES DELEGATION WILL RESPOND
FAVORABLY TO PUERTO RICO'S PROPOSED LANGUAGE FOR
AMENDING ARTICLE 136 SO THAT THE INHABITANTS OF PUERTO
RICO WILL ENJOY THE SAME RIGHTS AS THOSE OF SIMILAR
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ASSOCIATED STATES THROUGHOUT THE WORLD.

ADOPTION BY THE CONFERENCE OF THE AMENDED LANGUAGE
QUOTED IN YOUR LETTER WOULD FACILITATE RATIFICATION
OF AN EVENTUAL TREATY BY THE UNITED STATES SENATE.
MANY OF MY COLLEAGUES FEEL AS I DO AND WOULD NOT
TAKE KINDLY TO LANGUAGE THAT COULD BE MISUSED BY
OTHERS TO CAST ASPERSIONS ON THE RELATIONSHIP
BETWEEN THE UNITED STATES AND THE COMMONWEALTH OF
PUERTO RICO. SINCERELY, HENRY M. JACKSON, U.S.S.
END TEXT.

3. BEGIN TEXT: HONORABLE HENRY M. JACKSON, UNITED
STATES SENATE, RUSSELL SENATE OFFICE BUILDING,
WASHINGTON, D.C. DEAR SENATOR JACKSON: THE COMMON-
WEALTH OF PUERTO RICO IS VITALLY INTERESTED IN THE
CURRENT NEGOTIATIONS AT THE THIRD UNITED NATIONS
CONFERENCE ON THE LAW OF THE SEA. IN PARTICULAR, WE
ARE DEEPLY CONCERNED ABOUT THE IMPLICATIONS OF ARTICLE
136 OF THE INFORMAL SINGLE NEGOTIATING TEXT THAT
CURRENTLY IS THE BASIS OF THE DISCUSSIONS NOW TAKING
PLACE IN NEW YORK, IF THIS ARTICLE WERE ADOPTED BY THE
CONFERENCE IN ITS PRESENT FORM, IT WOULD PLACE PUERTO
RICO IN THE UNTENABLE POSITION EITHER OF BEING THE ONLY
INTERNALLY SELF-GOVERNING ASSOCIATED STATE IN THE WORLD
THAT WOULD NOT ACQUIRE RIGHTS TO AN EXCLUSIVE ECONOMIC
ZONE OF ITS OWN OR OF MAINTAINING THAT IT IS UNDER
FOREIGN OCCUPATION OR FOREIGN DOMINATION FOR ITS IN-
HABITANTS TO BE VESTED WITH THE RIGHTS TO THE ZONE.
SUCH A FORMULATION COULD BE MISUSED BY THOSE WHO WISH
TO DISPARAGE AND DESTROY THE COMMONWEALTH RELATIONSHIP
FREELY ENJOYED BY THE PEOPLE OF PUERTO RICO AND OF THE
UNITED STATES.

IT SEEMS TO ME THAT IT IS IN THE INTEREST OF THE
UNITED STATES AND PUERTO RICO TO TAKE APPROPRIATE
STEPS TO AMEND ARTICLE 136 SO THAT THE LEGITIMATE
OBJECTIVES OF THIS ARTICLE CAN BE ACHIEVED AND THE DI-
LEMMA POSED FOR PUERTO RICO BY THE CURRENT VERSION CAN
BE RESOLVED TO OUR MUTUAL ADVANTAGE.

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THE REPRESENTATIVE OF THE COMMONWEALTH OF PUERTO
RICO ON THE UNITED STATES DELEGATION TO THE CONFERENCE
ACCORDINGLY HAS RECOMMENDED TO THE UNITED STATES
DELEGATION AMENDING THE OFFENSIVE LANGUAGE OF ARTICLE
136 SO THAT THE TITLE AND FIRST PARAGRAPH OF THIS
ARTICLE WOULD READ AS FOLLOWS:

"PART X. TERRITORIES AND ASSOCIATED STATES

ARTICLE 136

"1. IN THE CASE OF A TERRITORY UNDER FOREIGN
OCCUPATION OR COLONIAL DOMINATION, OR A
UNITED NATIONS TRUST TERRITORY, OR A
TERRITORY WHOSE PEOPLE HAVE NOT ATTAINED EITHER
FULL INDEPENDENCE OR SOME OTHER SELF-GOVERNING
STATUS RECOGNIZED BY THE UNITED NATIONS, OR AN
ASSOCIATED STATE OR SIMILAR TERRITORY WHICH
HAS ATTAINED INTERNAL SELF GOVERNMENT, THE
RIGHTS TO RESOURCES RECOGNIZED OR ESTABLISHED
BY THE PRESENT CONVENTION SHALL VEST IN THE
INHABITANTS OF THAT TERRITORY OR ASSOCIATED
STATE."

YOUR SUPPORT FOR THIS EFFORT WOULD BE DEEPLY
APPRECIATED AND IN MY JUDGMENT COULD BE CRITICALLY
HELPFUL IN PERSUADING THE UNITED STATES DELEGATION
TO TAKE THE NECESSARY ACTION TO AVOID A POTENTIALLY
DISASTROUS SITUATION FOR THE UNITED STATES AND
PUERTO RICO. SINCERELY YOURS, RAFAEL HERNANDEZ COLON.
END TEXT.
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